

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jae-Ick Ho

Serial No.: 09/280,541

Examiner: NGUYEN, K..

Filed: March 30, 1999

Art Unit: 2674

RECEIVED

DEC 10 2001

Technology Center 2600

For: APPARATUS FOR IMPUTING AND DETECTING A DISPLAY DATA CHANNEL IN A  
MANUFACTURING A MONITOR

**PETITION TO RESET AND RESTART  
PERIOD FOR REPLY DUE TO LATE RECEIPT OF A PTO ACTION**

Assistant Commissioner  
for Patents & Trademark  
Attn: Group Director  
Washington, D.C. 20231

Sir:


With the guidance of the Petition's Office, applicant respectfully petitions under §710.06 of the MPEP (7th Ed., red.1, Feb 2000) to restart the previously set period for reply to the outstanding Office action from the date of receipt of the PTO action at the correspondence address, namely from the 3rd of December 2001, states that:

(A) this Petition is filed within two weeks of the date of receipt of the PTO action at the correspondence address;

(B) a substantial portion of the set reply period has elapsed on the date of receipt; and

(C) a copy of the first page of the Office action showing the date stamp of receipt attached by the undersigned attorney's docketing clerk, together with a copy of the 22 October 2001 letter of applicant's undersigned attorney to the Assistant Commissioner for Patents noting the absence of incoming correspondence from the U.S.PTO, constitutes evidence establishing the date of receipt.

The date of receipt of the PTO action at the correspondence address was: 3 December 2001. The evidence being presented shows the customary date stamp applied by the undersigned attorney's docketing clerk and the accompanying letter confirms the Notice to the Commissioner previously issued by applicant's attorney of non-receipt.

  
Robert E. Bushnell  
Reg. No.: 27,774

Order

The forgoing Petition to reset the period for response from the date of receipt is hereby granted.

\_\_\_\_\_  
Group Director



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/280,541 03/30/99 HO

J P55657

008439  
ROBERT E. BUSHNELL  
1522 K STREET NW  
SUITE 300  
WASHINGTON DC 20005-1202

WM01/1019

EXAMINER

NGUYEN, K

ART UNIT

PAPER NUMBER

2674

DATE MAILED:

10/19/01

*76* *OADne*  
*19 January 2002*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



**RECEIVED**

**DEC 10 2001**

**Technology Center 2600**



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## UNITED STATES POSTAL SERVICE INTERRUPTIONS AND EMERGENCY TERMINATED

RECEIVED  
DEC 10 2001  
Technology Center 2600

**Office of Patent Legal Administration << Pre-OG Notices << UNITED STATES POSTAL SERVICE INTERRUPTIONS AND EMERGENCY TERMINATED**

The tragic events in New York City on September 11, 2001, resulted in all Post Offices in the borough of Manhattan being closed. Currently, only the Church Street Post Office in Manhattan remains closed as a result of the events of September 11, 2001, and all other Post Offices throughout Manhattan are open for business. In addition, all Post Offices throughout the United States should be accepting the deposit of mail for delivery by Express Mail service. Therefore, the United States Patent and Trademark Office (USPTO) is terminating the postal service interruptions and emergency declared in the Official Gazette Notice entitled "United States Postal Service Interruptions", 1251 Off. Gaz. Pat. Office 55 (October 9, 2001), and posted on the USPTO website.

Any questions regarding this Notice should be directed to Eugenia Jones by e-mail at [eugenia.jones@uspto.gov](mailto:eugenia.jones@uspto.gov) or telephone at 703-306-5586, for patent-related matters, or Carol Smith by e-mail at [carol.smith@uspto.gov](mailto:carol.smith@uspto.gov) or by telephone at 703-308-8910 (ext 149), for trademark-related matters.

Date: 10/26/2001

Signed: /s/\_\_\_\_\_  
Nicholas P. Godici  
Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of  
the United States Patent and Trademark  
Office

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Last Modified: 11/01/2001 09:45:36



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**UNITED STATES PATENT AND TRADEMARK OFFICE**[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Notification Related to Events of September 11, 2001****Related Notices** < USPS Interruptions**UNITED STATES POSTAL SERVICE INTERRUPTIONS****UNITED STATES POSTAL SERVICE INTERRUPTION AND EMERGENCY**

The United States Postal Service (USPS) has informed the United States Patent and Trademark Office (USPTO) that as a result of the tragic event in New York City on September 11, 2001, all post offices in the borough of Manhattan are closed on September 12, 2001. These post offices will remain closed until further notice.

The USPTO is designating the interruption in the service of the USPS in the borough of Manhattan as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a). Accordingly, the USPTO will consider the provisions of 37 C.F.R. 1.6(e) as now in effect. As soon as the USPTO receives further information from the USPS as to when postal services in the borough of Manhattan will be resumed, the USPTO will post the information on the USPTO website at [www.uspto.gov](http://www.uspto.gov) and a final notice will be published in the Official Gazette regarding the postal interruption in New York City.

It would be appreciated if members of the public would bring to the USPTO's attention any other post office closings related to current events. Such information can be brought to the USPTO's attention by contacting Eugenia Jones by e-mail at [eugenia.jones@uspto.gov](mailto:eugenia.jones@uspto.gov) or telephone at 703-306-5586, or by contacting Carol Smith by e-mail at [carol.smith@uspto.gov](mailto:carol.smith@uspto.gov) or by telephone at 703-308-8910 (ext 149).

**UNITED STATES POSTAL SERVICE INTERRUPTIONS RELATING TO EXPRESS MAIL SERVICE****Where the USPS refuses to accept the deposit of mail for delivery by express mail.**

In some cases, due to the recent emergency, certain post offices are refusing to accept the deposit of mail for delivery by Express Mail service. The USPTO is also designating this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 C.F.R. 1.6(e). In addition, if a party attempts to deposit correspondence for delivery to the USPTO with the USPS by Express Mail under 37 CFR 1.10 ("Express Mail Post Office to Addressee") and the USPS refuses to accept such correspondence, the party is advised to take the following action: mail the correspondence to the USPTO by registered or first class mail with a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail. The statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The statement must be signed in accordance with 37 CFR 10.18. The correspondence should be mailed as set out in 37 CFR 1.1(a) and include the special box designation: BOX FILING DATE.

**Where mail is put into an Express Mail "Drop Box" and given an incorrect "date in".**

In some cases a person may use an Express Mail "drop box" without realizing that the local post office is not accepting Express Mail. In that situation, the provisions of 37 CFR 1.10(d) may apply. Usually 37 CFR 1.10(d) is invoked where correspondence is placed in an Express Mail "drop box" prior to the last pick up that is scheduled for the drop box for that day, but the USPS enters an incorrect "date-in" on the Express Mail mailing label, usually the next day's date. To invoke 37 CFR 1.10(d), however, a petition must be corroborated either by evidence from the USPS or by evidence that came into being after deposit and within one business day of the deposit of the correspondence in

the Express Mail drop box (e.g., a copy of a log book indicating that the correspondence was deposited on the date in question). See MPEP 513 and TMEP 702.02(e).

#### **Alternative Procedure Invoking "Extraordinary Circumstances"**

If a party can demonstrate that due to extraordinary circumstances the above procedures could not be followed, it will be necessary to file a petition under 37 C.F.R. 1.183 (patent matter) or 2.146(a)(5) and 2.148 (trademark matter) to waive the requirements of 37 C.F.R. 1.10 to permit the USPTO to accord the correspondence a filing date as of the date that Express Mail deposit was attempted. Such a petition must be accompanied by a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail, stating the date that the deposit was attempted and that the USPS refused to accept the correspondence, and be signed by such person subject to the conditions prescribed in 37 CFR 10.18.

#### **Certificates of Mailing Under 37 CFR 1.8**

Parties submitting correspondence to the USPTO are reminded that 37 CFR 1.8 (certificate of mailing or transmission practice) does not provide for according a filing date as of the date of deposit with the USPS to correspondence submitted under 37 CFR 1.8. Therefore, it would be inappropriate to file a petition under 37 CFR 1.183 or 2.146(a)(5) and 2.148 to waive the requirements of 37 CFR 1.8.

Date: September 13, 2001

/s/

Nicholas P. Godici

Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of the  
United States Patent and Trademark Office

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Last Modified: 09/14/2001 15:41:23

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22 October 2001

- ☐ U.S. Postal Service
- ☐ Via Local Courier
- ☐ Via International Courier
- ☐ ~~Via Facsimile~~ No
- ☐ ~~Via E-Mail Attachment~~
- ☐ Please Acknowledge Receipt

Assistant Commissioner

for Patents

Attn: Ms. Walston

PUBLIC AFFAIRS

Washington, D.C. 20231

Facsimile Number: (703) 308-5258

Re: U.S. Postal Emergency

Dear Ms. Walston:

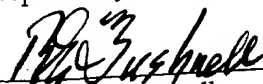
Friday, the 19<sup>th</sup> of October 2001 and again today, the 22<sup>nd</sup> of October 2001, we have received no incoming correspondence from the U.S. Patent & Trademark Office.

By way of example, we typically receive between five and 10 office actions alone during a normal business day, together with several notices of allowance, correspondence from the Board of Patent Appeals and Interferences, notices to file missing parts, correspondence from the Assignment Division, filing receipts and correspondence from the Trademark Office.

Applicants' undersigned attorney has learned this evening that two postal employees at the Brentwood facility, through which a large volume of the mail issued by the U.S. Patent & Trademark Office is processed, have died due to the Anthrax infection. Additionally, I understand that the Brentwood facility has had to be closed.

While no one understood the risk that the postal service employees would be exposed to, it seems that it is now necessary to address the problem and to devise assistance for issuing correspondence from the U.S. PTO that (1) will guarantee that correspondence issued during the past few days will be received by the attorneys in a timely manner and (2) the forthcoming correspondence can be delivered in an alternative mode while the administration of the U.S. postal service addresses the issues raised by the Anthrax problem.

Respectfully submitted,

  
Robert E. Bushnell

REB/kf

# The Washington Post

WEDNESDAY, OCTOBER 24, 2001

12TH YEAR No. 232 M2 0M

## Weather

Today: Some sun, breezy;  
warm. High 60. Low 52.  
Thursday: Windy showers.  
High 72. Low 40.  
Details, Page B3

FINAL

Inside, Deal, Classified  
Today's Contents on Page A2

25¢

## Anthrax Threat Takes a Wider Scope; New Cases Emerge; Some Mail Halted

**USPS Cleans  
Truck Fleet,  
Isolates Mail  
At Brentwood**

By ELLEN NAKABINDA  
and ERIC PIANIN  
Washington Post Staff Writers

The U.S. Postal Service sanitized a fleet of trucks at the main postal facility in the District, quarantined all mail there and ordered equipment to detect and kill anthrax spores as it rushed yesterday to contain the potential spread of the deadly bacterium.

It also ordered all of its mail-processing plants to switch to a new system for cleaning mail-sorting machines to avoid spreading the spores. And the Postal Service is preparing to ask Congress for at least \$625 million to purchase more safety equipment.

Some of that money could go to the purchase of hundreds of thousands of gloves and respirator masks, a top postal official said yesterday. The agency is inclined to make it mandatory for mail-handling workers to wear gloves and masks.

"We will make it mandatory as quickly as we can get them in supply," said Deborah Whitte, senior vice president of the Postal Service.

The moves occurred as President Bush authorized the release of \$175 million to be used immediately for safety equipment. Postal officials

warned that the anthrax threat



Mayor Williams and D.C. health chief Ivan C.A. Walls, center, confirm two anthrax deaths. At left are D.C. Council's Jan Graham and Linda W. Cropp.



Postal workers line up at D.C. General to get antibiotics. More than 2,000 workers from the city's 36 neighborhood post offices are being treated.



Marinus in a special response force decontaminates each letter after anthrax threat.

**White House  
Facility Tainted;  
Postal Worker  
Infected in N.J.**

By NEELY TUCKER  
and AVRAHAM GOLDSTEIN  
Washington Post Staff Writers

The anthrax threat moving through the nation's postal system escalated yesterday as the number of people monitored for infection increased, spores of the bacterium were discovered on mail-sorting equipment that handles packages for the White House and several federal agencies abruptly discontinued mail delivery.

In a day of rapidly unfolding events, government officials again sought to reassure the nation that the mail remains safe, even as they confronted more evidence that the postal system has been effectively used to spread anthrax.

A postal worker in New Jersey was diagnosed with pulmonary anthrax, just one day after two D.C. postal workers died of anthrax and two others were diagnosed as being infected, offering a fatal trail of evidence that a stamped envelope may have been used as a lethal weapon.

Some 200 billion pieces of mail are sent every year, and until last month, not a single time had anthrax ever been mailed, said Ari Fleischer, the White House press